

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA,)
5 Plaintiff,)
6 -vs-) Case No. 12 CR 416
7 CHARLES B. ESTELL,) Chicago, Illinois
8 Defendant.) August 13, 2013
9 9:30 a.m.

10 TRANSCRIPT OF PROCEEDINGS
11 BEFORE THE HONORABLE GARY FEINERMAN

12 APPEARANCES:

13 For the Government: HON. PATRICK J. FITZGERALD
14 UNITED STATES ATTORNEY
15 BY: MR. PATRICK J. KING, JR.
16 MS. CAROL A. BELL
17 219 South Dearborn Street, Suite 500,
18 Chicago, Illinois 60604
19 (312) 353-5300

20 For the Defendant: LAW OFFICE OF GREGORY T. MITCHELL
21 BY: MR. GREGORY T. MITCHELL
22 18141 Dixie Highway
23 Suite 111
24 Homewood, Illinois 60430
25 (708) 799-9325

Court Reporter:

CHARLES R. ZANDI, CSR, RPR, FCRR
Official Court Reporter
United States District Court
219 South Dearborn Street, Suite 2128
Chicago, Illinois 60604
Telephone: (312) 435-5387
email: Charles_zandi@ilnd.uscourts.gov

1 (Proceedings heard in open court:)

2 THE CLERK: 12 CR 416, USA versus Estell.

3 THE COURT: Okay. Good morning. Who do we have?

4 MR. KING: Good morning, your Honor. Patrick King
5 and Carol Bell on behalf of the United States.

6 MR. MITCHELL: Good morning, your Honor. Gregory
7 Mitchell on behalf of Mr. Charles Estell, Judge, who's present
8 in court.

9 THE COURT: Okay. Good morning. We're all set for
10 trial. We're here for a motion, docket No. 63, which is the
11 defendant's motion to correct the record of proceedings of the
12 arraignment on the superseding indictment.

13 And I read the motion. And sometimes -- I appreciate
14 that the motion was filed. Sometimes, you know, not too
15 often, but sometimes things get said in court that when you
16 sit back and consider it, you think that it wasn't as accurate
17 as it could have been.

18 So, the question is: What do we do now? Should we
19 re-arraign Mr. Estell?

20 MR. MITCHELL: Judge, I think, again, there was two
21 issues. I know it concerned Mr. Estell, because again, he
22 wanted to make sure that he was not misrepresenting by saying,
23 "Yes," and I know the predicament that I put him in. But if
24 you wouldn't mind simply passing this for just two seconds,
25 Judge, or five minutes, I will sit here with Mr. Estell.

1 We'll go over it again. And I think we can do it at that
2 point, Judge, just to clarify the record.

3 THE COURT: Do a re-arraignment at that point?

4 MR. MITCHELL: Yes, Judge.

5 THE COURT: Okay. Then why don't we do that.

6 MR. MITCHELL: Thank you.

7 (Recess had.)

8 THE CLERK: 12 CR 416, USA versus Estell.

9 THE COURT: All right. So, is there any objection
10 from the government to the motion to correct the record?

11 MR. KING: No, your Honor.

12 THE COURT: Okay. Then I'll grant docket No. 63,
13 which is the motion to correct the record. The record is
14 corrected.

15 And we should go forward with the re-arraignment, is
16 that correct?

17 MR. MITCHELL: Judge, Mr. Estell and I have gone over
18 the superseding indictment, Judge. We've looked at the prior
19 indictment compared to what the superseding, saw the
20 difference. And at this point, we would waive reading
21 publicly, Judge, and enter a plea of not guilty to both
22 Counts 1 and 2.

23 THE COURT: All right. And, Mr. Estell, you're on
24 board with that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Let me ask the government to
2 advise the defendant of the maximum penalties in this case.

3 MR. KING: The maximum penalty for Count 1 is
4 25 years' imprisonment, a fine of \$250,000. Count 2 provides
5 for a statutory mandatory minimum sentence of seven years to
6 be consecutive with any sentence imposed on Count 1, and a
7 maximum term of imprisonment of life. Both charges provide
8 for a statutory fine of \$250,000, and with the Count 1, it's
9 \$250,000 or twice the gross gain or loss.

10 THE COURT: And you understand that, Mr. Estell?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. And we're all set for trial? It's
13 in September, is that correct?

14 MR. KING: Yes, Judge.

15 MR. MITCHELL: September 9th, Judge. I did get a --
16 just so the Court knows, I did get a stack of documents at the
17 last court appearance, and I went through it. And, Judge, I
18 will likely be filing, with the approval of the Court, motions
19 *in limine*, a couple, not a lot, based on what I just received.

20 And it's possible that I'm going to be filing, and
21 I'm pretty sure I will, Judge, in the next day and a half, a
22 motion to suppress the vehicle and the documents seized
23 therein. I just got the search warrant and the statements
24 with the officers, I think they were Oak Lawn officers who
25 actually found the search and did some other things, and I got

1 those records. But I'll get that on file, Judge, within the
2 next two days.

3 MR. KING: We may be able to resolve it prior to the
4 trial date, Judge. We'll know as soon as we see it.

5 THE COURT: File the motion and notice it up for
6 hearing so you'll get on my calendar before September 9th.

7 MR. MITCHELL: Yes, Judge.

8 THE COURT: Anything else?

9 MR. KING: No, your Honor. Thank you.

10 MR. MITCHELL: Thank you, your Honor.

11 (Which were all the proceedings heard.)

12 CERTIFICATE

13 I certify that the foregoing is a correct transcript from
14 the record of proceedings in the above-entitled matter.

15

16 */s/Charles R. Zandi*

August 18, 2014

17 _____
18 Charles R. Zandi
19 Official Court Reporter

Date

20

21

22

23

24

25